Equality of Opportunity and Freedom from Discrimination

MHR Connections

Published by the Manitoba Human Rights Commission

Volume 14 Number 7-8 Summer

THE MANITOBA HUMAN RIGHTS COMMISSION

LA COMMISSION DES DROITS DE LA PERSONNE DU MANITOBA

www.manitobahumanrights.ca

More equitable system for Handi-Transit users

A voluntary resolution of a human rights complaint has resulted in Handi-Transit's application and assessment process and written materials undergoing a number of changes. These changes acknowledge chronic episodic disabilities, specifically referencing pain and fatigue as impacting mobility.

Modifications to the application form and website took place as a result of a shared effort to resolve a human rights complaint. Complainant Diane Driedger alleged that Handi-Transit did not adequately accommodate people with episodic conditions when they applied for Handi-Transit or appealed its decision.

The Manitoba Human Rights Commission, Handi-Transit and Diane Driedger reviewed the application and assessment process to ensure that this group of individuals was not disadvantaged.

As a result of the voluntary settlement discussions with the Manitoba Human Rights Commission, the changes have made the process more transparent, equitable, and accessible than it was at the time when the complaint was filed.

"This is an important step for the transportation industry to acknowledge that pain and fatigue are symptoms of many invisible disabilities," Executive Director Azim Jiwa says. "A settlement like this increases awareness of episodic disabilities and their impact on society and individuals."

Individuals with diagnosed intermittent pain have periods of good health which are interrupted by periods of illness or disability. Often it is difficult to predict when these "episodes" of disability will occur or how long they will last. An increasing number of Canadians are living with lifelong episodic disabilities.

Examples of chronic intermittent pain disabilities are: HIV/Aids, multiple sclerosis, lupus, cancer, diabetes and fibromyalgia.

Human rights are everyone's business
Education seminars
September 2014 – June 2015
Registration now open

http://www.manitobahumanrights.ca/workshops.html

The Rights Connection
By Elliot Leven - Vice Chairperson

Law school raises human rights issues

Simmering just beneath the surface over the summer has been British Columbia's Trinity Western University (TWU) and its proposed law school.

TWU is a private university associated with a Christian church. It operates various faculties, including a school of education, at its BC campus.

TWU has a covenant for all students and staff. Among other things, the covenant bans all sex other than opposite-sex marriage. Although this covenant places unmarried gay and lesbian students and staff in the same position as their unmarried heterosexual peers, it obviously discriminates against same-sex couples.

TWU's covenant has been considered by the Supreme Court of Canada once already. The BC Teachers Federation refused to accredit TWU education graduates. The Federation lost. Essentially, the Federation was wrong to presume that all TWU grads would be unable to function as adequate public school teachers.

Now with TWU plan to open a law school, likely in the fall of 2016, the covenant would apply to law school staff and students. Again this proposal raises fascinating human rights issues for all Canadians. Many gay and lesbian Canadians are concerned. It is not easy to get into a Canadian law school. If TWU is successful, lesbian and gay law students and professors would no longer have a level playing field with their heterosexual peers.

In June The Law Society of British Columbia requested a legal opinion with fourteen separate questions. Of note, according to this opinion released on July 15, although discrimination may occur, when it comes to balancing rights, it would not be considered unlawful. This opinion is very specific to British Columbia's Human Rights Code.

Making it even more interesting, provincial law societies control the certification of lawyers in their provinces. Some law societies have already decided that, if and when TWU begins graduating law students, they will not certify these graduates to practice law.

The TWU case raises fascinating food for thought. Although our constitution and our human rights laws do not explicitly refer to "the separation of church and state", that principle underlies laws dealing with religion. Whether a law school falls within the realm of church or of state is a question our courts will decide in the years ahead.

"This is not acceptable in a country like Canada"

Across the country, human rights commissions, including Manitoba are calling for action into missing and murdered Aboriginal women and girls. This call has gone out before but the death of Tina Fontaine, the young Aboriginal woman murdered in Winnipeg, has renewed that call.

A motion, unanimously passed by Canadian Association of Statutory Human Rights Agencies (CASHRA) members earlier this year called on the Government of Canada to establish an independent and inclusive inquiry into missing and murdered Aboriginal women and girls in Canada. The Manitoba Human Rights Commission is a member of CASHRA and added its voice.

On August 19, 2014, David Langtry, acting chief commissioner of the Canadian Human Rights Commission released the following statement on the death of Tina Fontaine.

David Langtry is once again calling for a full public inquiry into the root causes of so many deaths and disappearances of Aboriginal women and girls.

"Once again our hearts are filled with grief and sadness as we mourn the brutal and senseless murder of an Aboriginal girl. In a pattern that has tragically become commonplace, the body of Tina Fontaine was pulled from the Red River in Winnipeg last Sunday, after being reported missing earlier this month.

Barely 15, Tina was reportedly in the care of Child and Family Services.

Tina must not disappear into the oblivion of statistics: almost 1,200 missing and murdered aboriginal women over the past three decades.

We have a duty to ensure she leaves a legacy, and that her legacy is to bring an end to the chronic cycle of violence that rips Aboriginal women and girls from the fabric of family and community at this alarming rate.

This is not acceptable in a country like Canada. It is time for a full public inquiry into the root causes of so many deaths and disappearances of Aboriginal women and girls. It is time for a national action plan to confront this issue."

Hundreds of people including the public, an alliance of community members and leaders walked Tuesday August 19, 2014 to peacefully honour the memory of Tina Fontaine the young Sagkeeng woman. Faron Hall, a Dakota Tipi member of the Winnipeg Aboriginal community was also honoured. He was best known for rescuing two people, on separate occasions, from the Red River. He is a hero to many and was given awards for his courage. His remains were also found on Monday August 18, 2014.

Chairperson of the Manitoba Human Rights Commission Yvonne Peters with "Hope."

When is an animal a Service animal?

A best friend; a comfort animal; a service animal; Does anyone really understand the difference; and more importantly is there a difference?

The definition of a service animal is evolving in Canada. Currently the Manitoba Human Rights Commission considers a service animal to be a dog or other animal that is individually trained to do work or perform tasks for an individual with a disability that relates to that individual's disability.

Examples of work or tasks are: guiding an individual who is blind; alerting an individual who is deaf; retrieving dropped objects; opening doors and retrieving the phone for those requiring physical assistance; warning and protecting an individual who is having a seizure; and reminding an individual with a mental health disability to take prescribed medication. Service animals are sometimes identified by a specific type of harness or vest.

Dogs and other animals whose sole function is to provide comfort or emotional support are not considered to be service animals.

Like many other provinces and territories, our human rights laws *(The Human Rights Code)* prevent discrimination against service animal users. In most situations landlords, employers or service providers realize they have an obligation to accommodate a service animal user.

Unlike some other provinces, however, Manitoba does not have any laws which provides for certification or identification of animals deemed to be service animals. In both B.C. and Alberta a person can apply to the government for a certificate/identification indicating the dog is a service animal, if it has been trained by an approved school.

The Manitoba Human Rights Commission is considering what, if anything, it can do to increase awareness of rights and responsibilities regarding the use of service animals and to re-visit what is considered a service animal. Its new policy and guideline will reflect decisions made after the discussion and the subsequent recommendations.

To help with this work, the Commission needs input and will be holding public discussion on service animals. Discussions will be held on Wednesday September 24 from 9:30am – 11:30 am and a second session at 2:00pm- 4:00 pm, in Winnipeg. There will also be a discussion in Brandon Manitoba on Thursday, October 2, 2014, 1:00 – 3:00. The location will be confirmed once registered.

To take part in this meeting, and ensure your input is counted, you can register for any of these discussions by emailing hrc@gov.mb.ca. In the subject line please write service animal discussion and what time and city best suits you. You will be contacted once registered. Also visit the Commission's website www.manitobahumanrights.ca to read the consultation paper.